

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TIFFANY ANN STROBL,
Petitioner,

v.

JENKINS, Warden,
Respondent.

Case No. 18-04613 BLF (PR)

ORDER TO SHOW CAUSE

Petitioner, a federal prisoner at the Federal Prison Camp in Dublin, California, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner has paid the filing fee.

DISCUSSION

A. Standard of Review

This court may entertain a petition for writ of habeas corpus from a person “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). The court shall “award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243. Summary

1 dismissal is appropriate only where the allegations in the petition are vague or conclusory,
2 palpably incredible, or patently frivolous or false. *See Hendricks v. Vasquez*, 908 F.2d
3 490, 491 (9th Cir. 1990).

4 **B. Legal Claims**

5 Petitioner claims that the computation of her full term is incorrect, and that her term
6 should end on February 22, 2019, rather than June 19, 2019. (Pet. at 3.) Petitioner asserts
7 that her sentence has been unlawfully extended 123 days beyond the sentence imposed.
8 (*Id.*, Attach. at 6.) Liberally construed, this claim is cognizable and merits an answer from
9 Respondent.

10
11 **CONCLUSION**

12 For the foregoing reasons and for good cause shown,

13 1. The Clerk shall serve by mail a copy of this order and the petition and all
14 attachments thereto on Respondent and Respondent's attorney, the Attorney General of the
15 State of California. The Clerk also shall serve a copy of this order on Petitioner.

16 2. Respondent shall file with the court and serve on Petitioner, within **sixty (60)**
17 **days** of the issuance of this order, an answer conforming in all respects to Rule 5 of the
18 Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should
19 not be issued. Respondent shall file with the answer and serve on Petitioner a copy of all
20 portions of the state trial record that have been transcribed previously and that are relevant
21 to a determination of the issues presented by the petition.

22 If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with
23 the Court and serving it on Respondent within **thirty (30) days** of his receipt of the
24 answer.

25 3. Respondent may file a motion to dismiss on procedural grounds in lieu of an
26 answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing
27 Section 2254 Cases. If Respondent files such a motion, Petitioner shall file with the Court
28


1 and serve on Respondent an opposition or statement of non-opposition within **twenty-**
2 **eight (28) days** of receipt of the motion, and Respondent shall file with the court and serve
3 on Petitioner a reply within **fourteen (14) days** of receipt of any opposition.

4 4. It is Petitioner's responsibility to prosecute this case. Petitioner is reminded
5 that all communications with the Court must be served on Respondent by mailing a true
6 copy of the document to Respondent's counsel. Petitioner must keep the Court and all
7 parties informed of any change of address by filing a separate paper captioned "Notice of
8 Change of Address." He must comply with the Court's orders in a timely fashion. Failure
9 to do so may result in the dismissal of this action for failure to prosecute pursuant to
10 Federal Rule of Civil Procedure 41(b).

11 5. Upon a showing of good cause, requests for a reasonable extension of time
12 will be granted provided they are filed on or before the deadline they seek to extend.

13 **IT IS SO ORDERED.**

14 **Dated:** December 3, 2018



BETH LABSON FREEMAN
United States District Judge